

In The United States Court of Federal Claims

No. 06-945L

(Filed: November 13, 2008)

NAVAJO NATION
f.k.a. NAVAJO TRIBE OF INDIANS,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER

On November 10, 2008, defendant filed an unopposed motion to move and remediate damaged records located near the Chinle, Arizona Bureau of Indian Affairs Agency. The motion is hereby **GRANTED**. Accordingly:

1. John O'Connor, a Labat contractor responsible for inventorying and packing of agency documents, shall arrange for the movement and remediation of the documents to Munters of Glendale Heights, Illinois.
2. In order to ensure safe remediation, the documents shall first be irradiated at Sterigenics, also located in Glendale Heights, Illinois.
3. Mr. O'Connor shall be responsible for traveling with the damaged documents throughout their remediation in Glendale Heights and for the preparation of an inventory and chain of custody for the documents in question.
4. Plaintiff shall be provided a copy of the original and return inventories.
5. Once irradiated, photographs shall be taken of the general contents of each box and at least 5 documents from each box before cleaning any debris found on the documents. Copies of the photographs shall be provided to Plaintiff.

6. Defendant shall advise both the court and plaintiff once an estimate of the time necessary to complete the remediation process is obtained.
7. After completion of the cleaning and remediation, the records shall be repackaged in new boxes and numbered to correspond with the numbers on the original transporting boxes.
8. Mr. O'Connor shall return to the Munters' facility to confirm the reconciliation of the original box inventory with the Munters' inventory. He shall further witness the affixing of FedEx shipping labels and oversee the pickup of boxes by FedEx for the return to Chinle.
9. Labat and BIA personnel shall meet with the FedEx truck at the Chinle BIA Agency and verify the receipt of boxes with the box inventory forwarded by Mr. O'Connor from Munters.
10. BIA program and records personnel shall thereafter review the remediated documents and determine whether each document is trust or non-trust, active or inactive, and maintain the documents until shipment is scheduled to the American Indian Records Repository.
11. Both the court and plaintiff shall be notified of the status of the remediated documents, whether trust or non-trust, record or non-record, upon completion of review by the Chinle program staff.
12. All other orders of the court remain in effect.

IT IS SO ORDERED.

s/ Francis M. Allegra
Francis M. Allegra
Judge